

Question and Answer for Posting 9/17/13

115. The Paducah Deactivation RTP NO. DE-SOL-0004563 does not clearly segregate work covered by the Davis Bacon Act (DBA) from work covered by the Service Contract Act (SCA). Why has DOE not included a clear statement defining what work falls under SCA and what work is covered by DBA?

ANSWER: The standard labor standards classification process at Department of Energy facilities requires a contractor to submit a request for a labor standards determination to DOE with a recommendation and a work package for specific work describing how the contractor will perform the work. DOE then makes the requested determination in accordance with the Federal Acquisition Regulations, and applicable laws, including SCA, DBA, and Section 1804 of the Energy Policy Act of 1992.

The RTP notes repeatedly, especially in clauses H.104(E), H.105(B), and H.107, that the contractor is subject to, and is expected to comply with, all applicable laws when establishing pay and benefits for its employees, especially those involving labor relations and labor standards.

Determinations as to the applicability of particular labor standards statutes determine only the appropriate prevailing wages – they do not determine which employees perform the work or which union will represent those employees.